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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ZHAO ET AL.	Examiner K. Ferguson
Appl. No.	09/785,960	Art Unit 2683
Confirm. No.	2853	Atty. Docket No. CS90038
Filed:	16 February 2001	
Title:	"GPS Assistance Messages in Cellular Communications Networks And Methods Therefor"	

PRE-APPEAL BRIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Request for Reconsideration, Informal Matters, Claims Pending

The instant Request has been filed contemporaneously with a Notice of Appeal filed under 37 CFR 41.31 in response to the final Office Action mailed on 5 October 2005. No amendments have been filed under 37 CFR 1.116. Reconsideration of the claimed invention in view of the discussion below is respectfully requested.

Claim 1-10 and 25-28 have been allowed or are allowable.

Claims 1-10, 16-18 and 25-28 are pending.

Allowability of Claims Over Kingdon & Chen

Rejection Summary

Claims 16-18 stand rejected under 35 USC 103(a) as being anticipated by Publication No. US 2001/0014604 A1 (Kingdon) in view of U.S. Paten No. 6,611,756 (Chen). Official Action, 10 March 2005.

Discussion of Claim 16

Regarding independent Claim 16, Kingdon and Chen fail to disclose or suggest a

> satellite positioning system ephemeris data issue identifier signal for transmission to a satellite positioning system enabled mobile station in a cellular communications network, the satellite positioning system ephemeris data issue identifier signal comprising:
> a first field with satellite identifier data; and
> a second field with an ephemeris sequence number.

Neither Kingdon nor Chen disclose an ephemeris data issue identifier. The Examiner concedes that Kingdon fails to disclose "... a first field with satellite identifier data; and a second field with an ephemeris sequence number...." At para. [0023], Kingdon merely discusses generating a GPS assistance message including the identity of available satellites, orbital parameters, and clock and differential corrections. None of the data identified by Kingdon however suggests a first field with satellite identifier data and a second field with an ephemeris sequence number. Moreover, Kingdon does not disclose or suggest sending an ephemeris sequence number.

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The Examiner's reliance on Chen to meet the deficiencies of Kingdon is misplaced. In FIG. 1a (referenced by the Examiner), Chen illustrates the complete NAVSTAR GPS navigation data set transmitted by the NAVSTAR GPS satellites. Thus, the navigation data disclosed by Chen is not a "...system ephemeris data issue identifier signal" for transmission to a satellite positioning system enabled mobile station in a cellular communications network as recited in Claim 16.

The concept of using an "ephemeris data issue identifier" to indicate when a mobile station needs to read and store a corresponding ephemeris data (e.g., by obtaining an ephemeris assistance message) is not disclosed or suggest by Kingdom of Chen. Chen merely discloses the NAVSTAR GPS navigation data set that includes ephemeris data. The message disclosed by Kingdon is a GPS assistance message, which includes ephemeris data (obtained from the NAVSTAR GPS navigation data set). The assistance message of Kingdon however is not the same as the claimed "ephemeris data issue identifier", which is used to determine whether the MS must obtain updated ephemeris data. Claim 16 and the claims that depend therefore are thus patentably distinguished over Kingdon and Chen.

Discussion of Claim 17

Regarding Claim 17, Kingdon and Chen fail to disclose or suggest the ephemeris data issue identifier signal of Claim 16 wherein "... the first field is at least 5 bits, the second field is at least 3 bits." The claims message structure is not disclosed or suggested by either Kingdon or Chen. Claim 17 is thus further distinguished over Kingdon and Chen.

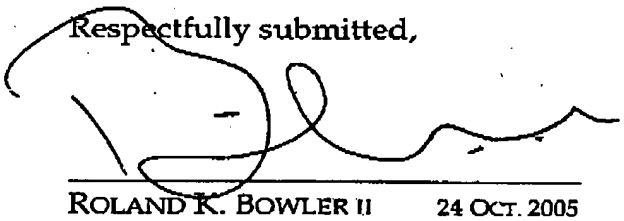
Discussion of Claim 18

Regarding Claim 18, Kingdon and Chen fail to disclose or suggest the ephemeris data issue identifier signal of Claim 16 is a "broadcast message". Neither Kingdon nor Chen disclose an ephemeris issue identifier signal. Claim 18 is thus further distinguished over Kingdon and Chen.

Prayer For Relief

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,



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